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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,631	08/05/2003	Hiroyuki Kusaka	026304-0208	8454
23392	7590	12/16/2004	EXAMINER	
FOLEY & LARDNER 2029 CENTURY PARK EAST SUITE 3500 LOS ANGELES, CA 90067			NGUYEN, PHUONGCHI T	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/635,631

Applicant(s)

KUSAKA, HIROYUKI

Examiner

Phuongchi Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-15 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-10 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: ____.

DETAILED ACTION

1. Applicant's amendment of October 6, 2004 is acknowledged. It is noted that claims 1-3, 11-14 and 16-20 are amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6, 8-10, 16 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated Louis et al (US6674425B1)

In regarding to claims 1 and 16, Louis et al disclose (Attachment 1 of figure 11) an electronic apparatus comprising a housing (of 160) having an outside wall which has an exterior surface (A) exposed outward of the housing (of 160) and an interior surface (B), the housing (of 160) having an operation area (172) in the exterior surface (A); and a pointing device (of 154) having a flat input surface (154) laid on the interior surface (B) of the outside wall adjacent the operation area (172), the flat input surface (154) receiving input operations through the operation area (172).

In regarding to claim 2, Louis et al disclose (Attachment 1) the electronic apparatus wherein the operation area (172) has a recess (180) formed on the exterior surface (A).

In regarding to claim 3, Louis et al disclose (Attachment 1) the electronic apparatus wherein the operation area (172) has a projection (156 or 170) formed on the exterior surface (A).

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In regarding to claim 4, Louis et al disclose (Attachment 1) the electronic apparatus further comprising a sticker (162) that is stuck to the operation area (172).

In regarding to claim 6, Louis et al disclose (Attachment 1) the electronic apparatus wherein the operation area (172, 174, 176) is made with a surface roughness different from a surrounding area.

In regarding to claim 8, Louis et al disclose (Attachment 2) the electronic apparatus wherein the operation area (172) has a plurality of recesses (166, 180) provided therein.

In regarding to claim 9, Louis et al disclose (Attachment 1) the electronic apparatus wherein the operation area (172) has a plurality of projections (156, 170) provided therein.

In regarding to claim 10, Louis et al disclose (Attachment 1) the electronic apparatus wherein the operation area (172) has a first operation area (176) for first operation, and a second operation area (174 or 172) provided separately from the first operation area (176) for second operation (figure 12 and column 10, lines 64-67 and column 11, lines 1-6).

In regarding to claims 18 and 20, Louis et al disclose (Attachment 1) the electronic apparatus further comprising a recess (180) formed on the exterior surface (A) of the outside wall, wherein the sticker (162) covers the recess (180, 166), and the flat input surface (154) of the pointing device (of 154) is laid on the interior surface (B) opposing the recess (180, 166).

In regarding to claim 19, Louis et al discloses the electronic apparatus (attachment 1) further comprising a sticker (162) printed with a pattern, the sticker (162) being secured to the exterior surface (A) of the outside wall opposite to the interior surface (B) on which the flat input surface (154) of the pointing device (of 154) is laid.

Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Louis et al (US6674425B1).

In regarding to claims 5 and 17, Louis et al discloses the invention, but lacks a painted layer on the operation area and/or a color for the sticker. It would have been obvious to one having ordinary skill at the time the invention was made to provide a painted layer on the operation area and/or a color on the sticker of Louis et al for the matter of design choice, because Applicant did not explain why the color for the sticker being able to solve any particular problem in the invention.

Allowable Subject Matter

6. Claims 11-15 are allowed.

7. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

In regarding to claim 7, the prior art fail to teach or suggest an electronic apparatus wherein the operation area has a mesh portion.

In regarding to claim 11, the prior art fail to teach or suggest an electronic apparatus wherein a color of the colored layer provided at a position to at least a part of the pointing device of the transparent housing, being different from a color of a area surrounding the position.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchi Nguyen whose telephone number is (571) 272-2012.


The examiner can normally be reached on 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PCN

November 29, 2004


P. AUSTIN BRADLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800